



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@ct.gov
www.ct.gov/csc

July 11, 2013

Michael D. Burke
12 Barnes Road
Falls Village, Ct 06031

RE: **DOCKET NO. 409A** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 8 Barnes Road, Canaan (Falls Village), Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions, revised tower site location and modified facility.

Dear Mr. Burke:

The Connecticut Siting Council (Council) is in receipt of your Request for Intervenor Status Form dated July 9, 2013. Please be advised that the hearing for the above-referenced docket closed on June 11, 2013.

According to the Connecticut General Statutes §4-177a(b), a person may be granted intervenor status in a contested case if: "(1) such person has submitted a written petition and mailed copies to all parties, **at least five days before the date of a hearing...**" (emphasis added).

Connecticut General Statutes §4-177a(c) further states, "The five day requirement may be waived at any time before or after the commencement of the hearing by the presiding officer on a showing of good cause." The commencement date of the hearing for this docket was April 30, 2013 and the public hearings for this docket concluded on June 11, 2013 at which time the record was closed.

Unfortunately, the Council is unable to accommodate your request. However, your correspondence will be placed in the public comment file for this docket because the evidentiary record for this proceeding closed on June 11, 2013.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melanie A. Bachman".

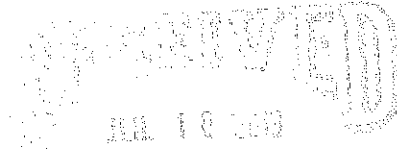
Melanie A. Bachman
Acting Executive Director

MAB/RM/cm

Michael D. Burke

12 Barnes Road
Falls Village, CT 06031
h 860-824-4066
o 860-435-6414
mb@michaelberkeley.com

ORIGINAL



CONNECTICUT
SITING COUNCIL

July 9, 2013

Connecticut Siting Council
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Dear Members of the Siting Council:

Thank you for considering my enclosed "Intervenor Status Request" in the matter of Docket No. 409A. I have been out-of-town and not able to attend the last couple of hearings. I appreciate your taking into consideration my concerns as the property owner of 12 Barnes Road (Falls Village, CT) which is most directly affected by the proposal.

Sincerely,

A handwritten signature in cursive script that reads "Michael D. Burke".

Michael D. Burke



Ten Franklin Square, New Britain, CT 06051 • tel: 860.827.2935 fax: 860.827.2950
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CONNECTICUT SITING COUNCIL
INTERVENOR STATUS REQUEST FORM

ORIGINAL

Docket/Petition No: **409A**

Town/City: **Canaan (Falls Village), CT**

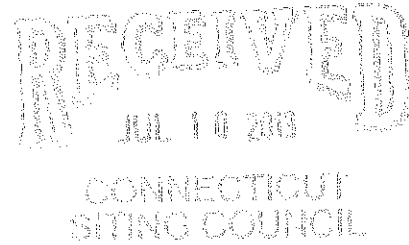
Name: **Michael Burke**

Address: **12 Barnes Road, Falls Village, CT 06031**

Phone Number: **860-824-4066**

Fax Number: **860-435-6222**

E-Mail Address: **mb@michaelberkeley.com**




1. Manner in which petitioner claims to be substantially and specifically affected:

As the owner of the property at 12 Barnes Road, which includes my house on three acres and the adjacent 10-acre parcel over which the proposed "adjusted" easement for cell tower access would be created, I have serious concerns about the impact this would have on my property. There does exist an access road which has been in use since at least 1973 (as recorded on a survey map dated 12/14/1973, prepared by Howard B. Stearns, Jr.) which I was informed represents the easement across the property. In my contract of sale, dated 11/3/2003, it stipulates, "RESERVING AND EXCEPTING, however, to Joe Baker, his heirs and assigns forever, a perpetual easement right of way for all purposes for which a public highway now or hereafter may be used, including public utilities, said right of way being thirty (30) feet in width, fifteen (15) feet on either side of the center line of a roadway as presently laid out across Parcel Two." Most importantly, please note that it is "a roadway as presently laid out." This current easement is below the proposed "adjusted" easement, effectively creating two roads across my property and dividing my 10-acre parcel in a less-than-optimal configuration. In addition, the increase in the width of the easement from the current 30 foot allowance (15 feet on center) to the proposed 60 feet would cut further into my property.

2. Manner and extent to which petitioner proposes to participate:

I am submitting this letter to formally document my concerns and to request being a formal part of any future hearings.

Copies of this request shall be electronically mailed to all participants at least five days before the date of the hearing.

Signed 

Date: **July 9, 2013**